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Paper No: 145

In re application of

JiYang Yan et al.

Serial No. 09/730,508

Filed: December 05, 2000

For: HIGH- TEMPERATURE AGING TOLERANCE

CATALYZED ADSORBER SYSTEM FOR

TREATING INTERNAL COMBUSTION ENGINE

EXHAUST GAS

DECISION ON  
PETITION

This is a decision on the PETITION TO EXPUNGE UNDER MPEP 724.05 AND RULE 59(b): PETITION TO EXPUNGE MATERIALS SUBMITTED UNDER MPEP 724, 724.02, AND 724.05, filed on June 26, 2003 which has been accepted as a timely petition, and is before the Group Director of Technology Center 1700 for consideration.

### DECISION

The decision on the petition will be held in abeyance until prosecution on the merits is closed, at which time the petition will be decided, pursuant to MPEP 724.06 (August 2001)

Petitioner requests that a document entitled PROPRIETARY MATERIAL .., filed June 26, 2003 be expunged from the record. Petition states either: (A) that the information contains trade secret material, proprietary material and/or material which is subject to a protective order which has not been public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 C.F.R. 1.17(I) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with materiality being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material". As soon as the applicant is advised by the examiner that the material submitted is not relevant to the patentability determination, the petition will be reconsidered.

The petition is **DISMISSED**.

JMStone

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